IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.578 OF 2004
IN
CHAMBER SUMMONS NO.1592 OF 1999
IN
SUIT NO.77 OF 1999
IN
PETITION NO.877 OF 1998

Suresh Thorwade .. Appellant

v/s.

Cowasjee Nusserwanji Dinshaw .. Respondent

Mr.A.K.Saxena for appellant.

Mr.K.A.Shah with Mr.V.N.Solanki for respondent.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 24th September, 2004

P.C.

Heard.

2. We are informed that subsequent to the impugned order dated 9.2.2001, the petition for probate of will and testament of Nargesh Sarosh Rustomji has been made absolute and probate granted.

3. In view of this fact, we are not inclined to go into the merits of the diverse contentions raised by the appellant in challenging the impugned order dated 9.2.2001. If advised, it is open to the appellant to challenge the correctness of the impugned order dated 9.2.2001 in the appeal granting probate.

4. With the aforesaid observation, the appeal is dismissed.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)